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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,034	11/03/2003	Sudhir Bhatia	1570A / SYMBP160USA	3402
23623	7590	01/09/2006	EXAMINER	
AMIN & TUROCY, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,034

Applicant(s)

BHATIA ET AL.

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment/Reply

1. Acknowledgement is made of Reply filed October 3, 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 6-8, and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (US 5,067,573).

Re claims 1, 10-11, and 15: Uchida teaches a portable a data terminal (electronic tablet 1), comprising

- a top portion (upper half 3);
- a bottom portion (lower half 4) attached to the top portion, the bottom portion comprising a handle (26, 26a, 26b in fig. 2-3; col. 4, lines 15-26) with a stylus compartment (pen receptacle 23) therein; and
- a stylus (14) of the portable terminal (1) housed within the stylus compartment (23; see figs. 1-3; col. 2, line 32 through col. 4, line 68).

Uchida teaches the data terminal (1), which is a rectangular box-shape.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the rectangular box-shaped data terminal as taught by Uchida to the hand-held terminal as claimed in the instant application in order to provide a compact data

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terminal, which can be comfortably hand-held/handled by the user. Such modification would have been an obvious expedience to an artisan.

Re claims 2 and 12: Uchida teaches the top portion (3) further includes a display (13; col. 2, line 64 through col. 3, line 9) and a key pad component (15; col. 3, lines 7-9) of the portable hand held terminal (1).

Re claims 4, 6, and 13: Uchida teaches the handle (26) comprising a bottom opening (29a; col. 4, lines 27-35) that enables a stylus (14) to be pulled out from or pushed into the handle (col. 7, line 45 through col. 8, line 3).

Re claims 7-8, 14, and 16: Uchida teaches the data terminal further comprising a lock component (locking mechanism 43 in figs. 7A and 7B; col. 6, lines 6-40) that engages the stylus in the stylus compartment (23; col. 6, lines 6 through col. 7, line 64).

4. Claims 3, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Ehrhart et al. (US 6,722,569; hereinafter "Ehrhart"). The teachings of Uchida have been discussed above.

Re claims 3 and 9: Uchida fails to teach or fairly suggest a communication component that communicates with a WAN or LAN network.

Ehrhart teaches the portable handheld data terminal (10) further comprising an RS-232 or USB link to communicate with a host computer via a LAN/WAN (col. 15, lines 22-30; col. 15, lines 51-67).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the portable handheld data terminal comprising an RS-232 or USB link to communicate with a host computer via a LAN/WAN as taught by Ehrhart to the

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teachings of Uchida in order to provide data communication between the handheld data terminal with a host computer.

Re claim 5: Uchida fails to teach or fairly suggest the data terminal comprising a bar code reader.

Ehrhart teaches the portable handheld data terminal (10), which is a bar code reader (col. 5, lines 36-65).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the portable handheld data terminal having the bar code reading capability as taught by Ehrhart to the teachings of Uchida in order to provide a in order to provide a versatile and compact data terminal/reader system, which provide greater convenience to the users for carrying a single device rather than a plurality of devices.

Response to Arguments

5. Applicant's arguments, see pages 5-6, filed 3 October 2005, with respect to the rejection(s) of claim(s) 1-16 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Uchida and Ehrhart.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN
January 4, 2006